

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 20479 (Application 29353)

Sill Properties, Inc.

ORDER REVOKING PERMIT

SOURCES: Yeguas Creek and Walnut Creek

COUNTY: Kern

WHEREAS:

1. Darrell Twisselman is the authorized agent for the holder of water right Permit 20479.
2. On September 23, 2008, the Agent requested that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), revoke Permit 20479. The time to complete construction of the project and make full beneficial use of water under Permit 20479 elapsed on December 31, 1995.
3. Permit 20479 is for additional storage to be collected in five previously constructed reservoirs covered under License 13273 (Application 28848). Aerial photos, reservoir surveys, and correspondence with Darrell Twisselman dictate that the work needed to increase the size of said reservoirs has not commenced to date.
4. By requesting voluntary revocation, Permittee waived the right to the hearing and notice requirements set forth in Water Code sections 1410 and 1410.1.

THEREFORE:

It is ordered that Permit 20479 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD



Victoria A. Whitney, Division Chief
Division of Water Rights

Dated:

OCT 31 2008

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20479

Application 29353 of LY7 Company, A General Partnership; and Sill Properties, Inc.

Carrisa Plains Route Box 130, Santa Margarita, CA 93453

filed on October 17, 1988, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(3), (4), (5) Yeguas Creek

Bitterwater Creek thence

Tulare Lake

(6), (7) Walnut Creek

Bitterwater Creek

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
STORAGE (3) SOUTH 2,800 FEET AND EAST 1,200 FEET FROM NW CORNER OF SECTION 33	NW $\frac{1}{4}$ OF SW $\frac{1}{4}$	33	28S	19E	MD
(4) SOUTH 1,300 FEET FROM NE CORNER OF SECTION 32	SE $\frac{1}{4}$ OF NE $\frac{1}{4}$	32	28S	19E	MD
(5) NORTH 1,150 FEET AND EAST 2,100 FEET FROM SW CORNER OF SECTION 29	SE $\frac{1}{4}$ OF SW $\frac{1}{4}$	29	28S	19E	MD
(6) NORTH 1,000 FEET AND EAST 2,300 FEET FROM SW CORNER OF SECTION 19	SE $\frac{1}{4}$ OF SW $\frac{1}{4}$	19	28S	19E	MD
(7) NORTH 2,500 FEET AND EAST 1,600 FEET FROM SW CORNER OF SECTION 19	NE $\frac{1}{4}$ OF SW $\frac{1}{4}$	19	28S	19E	MD

County of Kern

3. Purpose of use:

4. Place of use:

		Section	Town- ship	Range	Base and Meridian	Acres
WILDLIFE PRESERVATION AND ENHANCEMENT	RESERVOIR #3 WITHIN NW $\frac{1}{4}$ OF SW $\frac{1}{4}$	33	28S	19E	MD	
	RESERVOIR #4 WITHIN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$	32	28S	19E	MD	
	RESERVOIR #5 WITHIN SE $\frac{1}{4}$ OF SW $\frac{1}{4}$	29	28S	19E	MD	
	RESERVOIR #6 WITHIN SE $\frac{1}{4}$ OF SW $\frac{1}{4}$	19	28S	19E	MD	
	RESERVOIR #7 WITHIN NE $\frac{1}{4}$ OF SW $\frac{1}{4}$	19	28S	19E	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 100 acre-feet per annum to be collected from November 1 of each year to May 1 of the succeeding year as follows: 20 acre-feet per annum in Reservoir #3, 20 acre-feet per annum in Reservoir #4, 20 acre-feet per annum in Reservoir #5, 20 acre-feet per annum in Reservoir #6, and 20 acre-feet per annum in Reservoir #7. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Complete application of the water to the authorized use shall be made by December 31, 1995. (0000009)
8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000040)

13. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing. (0000042)

14. Permittee, when required by the State Water Resources Control Board, shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipes or alternative facilities to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that outlets are required. Permittee shall furnish evidence which substantiates that the outlet pipes or alternative facilities have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050044)

15. The total quantity of water collected to storage under this permit, together with that collected to storage under the permit issued pursuant to Application 28848, shall not exceed 100 acre-feet per annum. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 12 1990

STATE WATER RESOURCES CONTROL BOARD

601 Chief, Division of Water Rights